

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Heyward Jackson, Jr.,

Plaintiff

v.

United States Department of Health and
Human Services, Centers for Medicare &
Medicaid Services,

Defendants

Case No.: 2:25-cv-0790-JAD-DJA

**Order Granting Unopposed Motion to
Dismiss and Closing Case**

[ECF No. 6]

Plaintiff Heyward Jackson, Jr. sues the United States Department of Health and Human Services and the Centers for Medicare & Medicaid Services for refusing to turn over documents under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.¹ The defendants move to dismiss, arguing that Jackson lacks standing to bring this FOIA claim because he wasn't the one making the FOIA request.² The deadline to respond to that motion to dismiss was July 2, 2025, and it passed without any response, leaving the motion to dismiss unopposed. This court's Local Rule 7-2(d) provides that "[t]he failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion." I apply this rule and deem the plaintiff's failure to respond to the motion to dismiss as consent to granting the motion. IT IS THEREFORE ORDERED that the defendants' motion to dismiss [ECF No. 6] is **GRANTED**.

¹ ECF No. 1.

² ECF No. 6.

2